

1 MICHELE M. DESOER (SBN 119667)  
*mdesoer@zuberlaw.com*  
2 JEFFREY J. ZUBER (SBN 220830)  
*jzuber@zuberlaw.com*  
3 A. JAMES BOAJIAN (SBN 275180)  
*aboyajian@zuberlaw.com*  
4 **ZUBER LAWLER & DEL DUCA LLP**  
777 S. Figueroa Street, 37th Floor  
5 Los Angeles, California 90017  
Telephone: (213) 596-5620  
6 Facsimile: (213) 596-5621

7 NATHANIEL L. FINTZ (*Pro Hac Vice*)  
*nfintz@zuberlaw.com*  
8 **ZUBER LAWLER & DEL DUCA LLP**  
One Penn Plaza, Suite 4430  
9 New York, New York 10119  
Telephone: (212) 899-9830

10 | P a g e ( )  
11 Attorneys for Plaintiff and  
Counterclaim-Defendant Leadership Studies, Inc.

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

**15** LEADERSHIP STUDIES, INC., a California corporation,

Plaintiff.

V.

**18** BLANCHARD TRAINING AND  
**19** DEVELOPMENT, INC., a California  
corporation, and Does 1-10, inclusive.

#### Defendants.

**BLANCHARD TRAINING AND  
DEVELOPMENT, INCORPORATED.**

#### **Counterclaim-Plaintiff.**

24

V.

25 | LEADERSHIP STUDIES, INC..

#### **Counterclaim-Defendant-**

CASE NO. 15CV1831 WOH-KSC

**PLAINTIFF LEADERSHIP  
STUDIES, INC.'S MOTION TO  
FILE DOCUMENTS UNDER SEAL  
ISO OPPOSITION TO  
BLANCHARD TRAINING'S  
MOTION TO DISMISS  
TRADEMARK CLAIMS (THIRD,  
FOURTH, AND FIFTH CAUSES OF  
ACTION), AND IN THE  
ALTERNATIVE MOTION FOR  
SUMMARY JUDGMENT**

Date:

Date:

**Ctrm:**

Judge: Hon. William Q. Hayes

28

Case No. 15CV1831 WQH-KSC

1 Pursuant to Local Rule 79.2 and Plaintiff Leadership Studies, Inc. (“CLS”)  
 2 hereby requests that the following documents be filed under seal:

<u>Row</u>	<u>Column 1: Identification of Document</u>	<u>Column 2: Description of Material at Issue Within Document</u>
1	Memorandum of Points and Authorities (“CLS’s Memo”) in Support of CLS’s Opposition to Blanchard Training and Development, Incorporated’s (“BTD”) Motion to Dismiss Trademark Claims (Third, Fourth, and Fifth Causes of Action) Pursuant to Fed. R. Civ. P. 12(B)(1), and in the Alternative Motion for Summary Judgement Pursuant to Fed. R. Civ. P. 56 (“CLS’s Opposition”).	Within CLS’s Memo, there are certain passages within Sections I, II.A., II.C.-D., and III that refer to information contained within documents marked confidential by either of the parties under the Stipulated Amended Protective Order (“Protective Order”) [D.E. 62]. Specifically, in accordance with the Protective Order, both CLS and BTD have designated various documents as either “CONFIDENTIAL” or “CONFIDENTIAL – FOR COUNSEL ONLY.” (the “Designated Materials”).
2	Declaration of Maureen Shriver in Support of CLS’s Opposition.	Within the Declaration of Maureen Shriver, there are certain passages that refer to information contained within the Designated Materials.
3	Declaration of Michele M. Desoer in Support of CLS’s Opposition.	Within the Declaration of Michele M. Desoer, there are certain passages that refer to information

1		contained within the Designated Materials.
2		
3	<b>4</b>	Response to Statement of Undisputed Material Facts and Additional Statement of Undisputed and Disputed Materials Facts in Support of CLS's Opposition (the “RSUMF”).
4		
5	<b>5</b>	Exhibit 4 to RSUMF.  Exhibit 4 to RSUMF is a true and correct copy of the November 4, 1970 Statement to USPTO Trademark (“TM”).
6		
7	<b>6</b>	Exhibit 5 to RSUMF.  Exhibit 5 to RSUMF is a true and correct copy of the May 20, 1981 CLS Letter to BTD.
8		
9	<b>7</b>	Exhibit 6 to RSUMF.  Exhibit 6 to RSUMF is a true and correct copy of the February 19, 1982 Assignment of TM.
10		
11	<b>8</b>	Exhibit 7 to RSUMF.  Exhibit 7 to RSUMF is a true and correct copy of the June 18, 1982 Leadership Studies Productions ("LSP") Meeting Notes.
12		
13	<b>9</b>	Exhibit 9 to RSUMF.  Exhibit 9 to RSUMF is a true and correct copy of the September 6, 1984 P. Zigarmi Memo to K. Kelsey.
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		

1	<u>10</u>	Exhibit 10 to RSUMF.	Exhibit 10 to RSUMF is a true and correct copy of the February 19, 1985 P. Zigarmi Memo to P. Nekervis.
2	<u>11</u>	Exhibit 13 to RSUMF.	Exhibit 13 to RSUMF is a true and correct copy of the December 3, 1984 Letter from W. Whann to K. Blanchard.
3	<u>12</u>	Exhibit 14 to RSUMF.	Exhibit 14 to RSUMF is a true and correct copy of the December 18, 1984 Letter to W. Whann from N. Martin.
4	<u>13</u>	Exhibit 15 to RSUMF.	Exhibit 15 to RSUMF is a true and correct copy of the 1985 Legal Papers.
5	<u>14</u>	Exhibit 17 to RSUMF.	Exhibit 17 to RSUMF is a true and correct copy of the July 22, 1985 Letter to W. Whann from N. Martin.
6	<u>15</u>	Exhibit 18 to RSUMF.	Exhibit 18 to RSUMF is a true and correct copy of the December 18, 1985 Letter to N. Martin from W. Whann.
7	<u>16</u>	Exhibit 19 to RSUMF.	Exhibit 19 to RSUMF is a true and correct copy of the January 28, 1986 Letter to N. Martin from W. Whann.
8	<u>17</u>	Exhibit 20 to RSUMF.	Exhibit 20 to RSUMF is a true and correct copy of the February 11,

1		1986 Letter to W. Whann from N. Martin.
2		
3	<u>18</u>	Exhibit 21 to RSUMF. Exhibit 21 to RSUMF is a true and correct copy of the March 10, 1986 Letter to M. Howe from D. Long.
4		
5		
6	<u>19</u>	Exhibit 25 to RSUMF. Exhibit 25 to RSUMF is a true and correct copy of the 1987 Memo to All Employees at BTD.
7		
8		
9	<u>20</u>	Exhibit 27 to RSUMF. Exhibit 27 to RSUMF is a true and correct copy of the March 2, 1989 D. Truax Letter to Sandy Ogg.
10		
11		
12	<u>21</u>	Exhibit 28 to RSUMF. Exhibit 28 to RSUMF is a true and correct copy of the April 25, 1990 Letter to P. Hersey.
13		
14		
15	<u>22</u>	Exhibit 29 to RSUMF. Exhibit 29 to RSUMF is a true and correct copy of the May 2, 1990 D. Truax Letter.
16		
17		
18	<u>23</u>	Exhibit 30 to RSUMF. Exhibit 30 to RSUMF is a true and correct copy of the October 23, 1998 E. Benson Memo.
19		
20		
21	<u>24</u>	Exhibit 31 to RSUMF. Exhibit 31 to RSUMF is a true and correct copy of the September 25, 1992 K. Blanchard Letter to P. Hersey.
22		
23		
24		
25	<u>25</u>	Exhibit 33 to RSUMF. Exhibit 33 to RSUMF is a true and correct copy of the March 15, 2004 R. Andrews Email Chain.
26		
27		
28		

1	<u>26</u>	Exhibit 34 to RSUMF.	Exhibit 34 to RSUMF is a true and correct copy of the March 29, 2004 R. Andrews Email Chain.
2	<u>27</u>	Exhibit 35 to RSUMF.	Exhibit 35 to RSUMF is a true and correct copy of the April 16, 2007 K. Blanchard Interoffice Memo.
3	<u>28</u>	Exhibit 36 to RSUMF.	Exhibit 36 to RSUMF is a true and correct copy of the March 23, 2009 D. Hersey Email Chain.
4	<u>29</u>	Exhibit 37 to RSUMF.	Exhibit 37 to RSUMF is a true and correct copy of the March 25, 2009 D. Hersey Email Chain.
5	<u>30</u>	Exhibit 38 to RSUMF.	Exhibit 38 to RSUMF is a true and correct copy of the April 8, 2009 R. Andrews Email Chain.
6	<u>31</u>	Exhibit 39 to RSUMF.	Exhibit 39 to RSUMF is a true and correct copy of the May 18, 2009 R. Andrews Email Chain.
7	<u>32</u>	Exhibit 41 to RSUMF.	Exhibit 41 to RSUMF is a true and correct copy of the December 9, 2009 R. Andrews Email Chain.
8	<u>33</u>	Exhibit 43 to RSUMF.	Exhibit 43 to RSUMF is a true and correct copy of the February 11, 2010 R. Andrews Email Chain.
9	<u>34</u>	Exhibit 44 to RSUMF.	Exhibit 44 to RSUMF is a true and correct copy of the January 25, 2012 R. Andrews Email Chain.

1	<u>35</u>	Exhibit 45 to RSUMF.	Exhibit 45 to RSUMF is a true and correct copy of the October 11, 2013 R. Andrews Email Chain.
2	<u>36</u>	Exhibit 46 to RSUMF.	Exhibit 46 to RSUMF is a true and correct copy of the May 16, 2013 R. Andrews Email Chain.
3	<u>37</u>	Exhibit 47 to RSUMF.	Exhibit 47 to RSUMF is a true and correct copy of the May 20, 2013 R. Andrews Email Chain.
4	<u>38</u>	Exhibit 48 to RSUMF.	Exhibit 48 to RSUMF is a true and correct copy of the January 29, 2015 Executed Memorandum.
5	<u>39</u>	Exhibit 49 to RSUMF.	Exhibit 49 to RSUMF is a true and correct copy of the March 31, 2015 Investment Banker Communications.
6	<u>40</u>	Exhibit 50 to RSUMF.	Exhibit 50 to RSUMF is a true and correct copy of August 17, 2015 S. Rendon Email Chain.

The materials described in Column 2 above contain information that either CLS or BTD has designated as either “CONFIDENTIAL” or “CONFIDENTIAL – FOR COUNSEL ONLY” (the “Designated Materials”) under the Stipulated Amended Protective Order (“Protective Order”) [D.E. 62]. In accordance with Paragraph 8(c) of the Protective Order, CLS hereby moves to file the Designated Materials under seal.



## **PROOF OF SERVICE**

**Leadership Studies, Inc. v. Blanchard Training and Development, Inc.  
Case No. 15CV1831 WQH-KSC**

**STATE OF CALIFORNIA, COUNTY OF LOS ANGELES**

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of Los Angeles, State of California. My business address is 777 S. Figueroa St., 37th Floor, Los Angeles, CA 90017, USA.

On May 10, 2017, I served true copies of the following document(s) described as **PLAINTIFF LEADERSHIP STUDIES, INC.'S MOTION TO FILE DOCUMENTS UNDER SEAL ISO OPPOSITION TO BLANCHARD TRAINING'S MOTION TO DISMISS TRADEMARK CLAIMS (THIRD, FOURTH, AND FIFTH CAUSES OF ACTION), AND IN THE ALTERNATIVE MOTION FOR SUMMARY JUDGMENT** on the interested parties in this action as follows:

Steven M. Strauss  
Dennis C. Crovella  
John Paul Oleksiuk  
Cooley LLP  
4401 Eastgate Mall  
San Diego, CA 92121  
Tel: 858-550-6000  
Fax: 858-550-6420  
Email: *sms@cooley.com*  
*dcrovella@cooley.com*  
*jpo@cooley.com*

Attorneys for Defendant and Counterclaim-Plaintiff Blanchard Training and Development, Incorporated

**BY E-MAIL OR ELECTRONIC TRANSMISSION:** I caused a copy of the document(s) to be sent from e-mail address *iaparicio@zuberlaw.com* to the persons at the e-mail addresses listed in the Service List. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct and that I am employed in the office of a member of the bar of this Court at whose direction the service was made.

Executed on May 10, 2017, at Los Angeles, California.

Luk)

Imelda Aparicio